February 12, 2021

Harold Medina, Interim Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: APD Case # 20-0007881, IAFD Case # C2020-000046

Dear Interim Chief Medina:

My review of this case included:

- Computer Aided Dispatch Reports
- APD Field Services Reports
- Internal Affairs Reports
  - Officer Interviews
- Internal Affairs Force Division Reports
  - Command Review
- On Body Recording Device Videos
- APD Policy 2-52 Use of Force, APD Policy 2-54-5 Electronic Control Weapon

My review of the evidence shows on January 25, 2020 the victim, Mr. S., was contacted by officers of the Albuquerque Police Department because he was reportedly at a home where the occupants, (family members) feared for their safety if he entered the home. The night before he had broken into the residence. Officer 1 arrived on scene, Mr. S was standing in the driveway, in front of the residence. Mr. S. had a knife on his belt. Mr. S. refused to comply with officer’s directives Mr. S. began to walk around and appeared as though he would enter the residence. Officer 1 warned Mr. S to stop or he would be tased. Mr. S continued to ignore the officers, Officer 1 deployed his ECW. It was ineffective. Officer 2 deployed her ECW. It had the desired effect, after 2 cycles. Mr. S was taken into custody. Rescue was called to remove the probes.
Finding: The CPOA finds Officer 1's conduct "Exonerated," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Finding: The CPOA finds Officer 2’s conduct "Exonerated," regarding the allegation of a violation of this SOP, which means the investigation determined, by preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Sincerely,

/s/Edward Harness
Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770